

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 28TH DAY OF JULY 2008, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins (Arrived 6:45 p.m.)	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Martin M. McMahon	-County Attorney

CALL TO ORDER

The Vice-Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | | |
|------------------|-----|---|
| Section 2.2-3711 | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
| | | 1. Prices Fork Elementary School Site |
| | | 2. Blacksburg Industrial Park Expansion |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Annette S. Perkins
Gary D. Creed		
John A. Muffo		
James D. Politis		
Mary W. Biggs		
Doug Marrs		

Supervisor Perkins arrived at 6:45 p.m.

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Gary D. Creed	
John A. Muffo	
James D. Politis	
Mary W. Biggs	
William H. Brown	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Gary D. Creed
John A. Muffo
James D. Politis
Mary W. Biggs
William H. Brown
Doug Marrs
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

Supervisor Perkins certified closed meeting for the time she was present.

INVOCATION

A Moment of Silence was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATION

Shah Development, Inc. – Road Improvements -Flanagan Drive

Thom Rutledge, Agent for Shah Development, Inc., presented a proposal for road improvements on the remaining .3 mi of Flanagan Drive, at no cost to the County. Shah Development recently purchased property at the end of Flanagan Drive, known as the “Big Red Barn”. They are proposing to pave the remainder of Flanagan Drive, which will be improved to the Virginia Department of Transportation’s standards. Once completed Shah Development will ask the Board of Supervisors to send a request to VDOT to accept the remainder of Flanagan Drive into VDOT’s system for state maintenance. They have spoken to the adjacent property owners about the proposed improvements and have signed agreements for the 50’ easement required by VDOT.

PUBLIC HEARINGS

Special Use Permit – Dale W. Alderman – Continued from the June 23, 2008 Board meeting.

A request by Dale W. Alderman for a special use permit on 3.807 acres in a Agriculture (A-1) zoning district to allow a contractor’s storage yard. The property is located at 2980 Pilot Road, identified as Tax Parcel No(s). 108-A-25A (Acct # 000474) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

Dari Jenkins, Zoning Administrator, provided a brief summary of the above request. The applicant desires to operate a contractor’s storage yard on his property. He is a residential contractor and operates a small business. He is proposing to construct a metal storage building to store tools.

The Planning staff believes the request will have some impacts on the surrounding land uses. The surrounding area is rural and residential in nature with no commercial businesses nearby. The business will generate minimal traffic and noise with the coming and going of trailers and construction equipment. There are possible negative visual impacts due to the garage being located close to the road and the proposed building will be constructed with metal framing, with no landscaping.

There are three storage buildings currently located on the property, and a significant amount of construction equipment and debris around these buildings. The land has a small flat area with a stream running across it and the remainder of the property slopes upward.

The Planning Commission reviewed this request at their June 11, 2008 meeting and due to several negative comments received from adjoining property owners, in addition to the negative recommendation from the planning staff. A second site visit with the applicant is scheduled in order to address some of the concerns.

At their July 16, 2008 meeting, the Planning Commission recommended approval after receiving proffers from the applicant to help alleviate concerns.

Supervisor Creed asked if a row of trees could be planted in front of the property along the road to buffer the view of the storage yard. Ms Jenkins replied that trees could be planted; however, it would be difficult because the front area is in a flood zone. Supervisor Biggs suggested that they contact an expert to see what type of trees could be planted.

Supervisor Muffo questioned the hours of operation. The only limitation on hours proffered were the hours from 6:30 a.m. to 6:00 p.m. What about the days of operation? Ms. Jenkins replied that they were hesitant to limit the days of the week that Mr. Alderman could work considering the type of work he does. He has indicated he will only be working Monday – Friday, but in case of an emergency he should be given the opportunity to have his employees come to work.

Dale Alderman, applicant, explained he is a residential contractor and would like to construct a 25'X30' building in order to store equipment for his business. The property is his place of residence and he only wants to improve the appearance of his property. All of his work is done off site with employees parking their vehicles in the morning before heading out to the job site. His plans are to work only Monday – Friday and he has no objection to limiting the hours from 6:30 a.m. to 6:00 p.m. He will offer to plant a row of trees as a buffer if the Board of Supervisors directs him to do so.

Deloris Hill spoke in opposition to the request. Ms. Hill voiced several concerns including increased traffic on an already heavily used road; environmental issues and contamination of ground water from the proposed garage, flooding, noise, and decrease in property values.

There being no further speakers, the public hearing was closed.

Special Use Permit- Phillips Family Trust

A request by Phillips Family Trust, (Agent: Debbie Balser, NTELOS) for a special use permit on approximately 53.893 acre tract(s) in an Agriculture (A-1) zoning district to allow a 100' telecommunication tower. The property is located east of Riner Road (Rt. 8), accessed by a private driveway located 200 feet south of 3148 Riner Road, and is identified as Tax Parcel No(s). 106- 4 10B,10A,1* (Acct No. 014354), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a summary of the above request. The applicant is requesting a special use permit to allow the construction of a telecommunications tower in the Riner area. The site is located east of Rt. 8 and is accessed by a private driveway. The property is bordered to the east by large parcels zoned Agriculture and used primarily for farming. The property is bordered to the south by Agriculture and Residential parcels (Auburn Hills Golf

Club). Since the property is mostly pasture land, there will be very little, if any, clearing required for the construction of the tower. The proposed tower will have limited impact on the surrounding properties and traffic is expected to be limited to one trip per month after construction is completed.

At their July 9, 2008 meeting, the Planning Commission recommended approval of the telecommunication tower with eight conditions. They felt that the conditions would address concerns raised by staff and adjacent property owners.

Will Debling, Gentry Rakes Locke & Moore, agent for the applicant, explained that their first priority is to follow the County's telecommunications tower policy, which is to try to find an existing tower to co-locate, and if after an extensive search no co-locations are found, then a request for a new site is submitted. During the course of studying coverage in Montgomery County, results found a need in the Riner area of the County. The site for the proposed tower is located in pasture setting with limited impact to the surrounding neighbors. To provide a buffer around the tower they are proposing to construct an 8ft. solid wood fence around the site, with cyprus trees around the fence. Another fence will be installed around the trees to keep the cattle out. Mr. Debling thanked the Board for their time and consideration of their request.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Douglas White addressed concerns related to the proposed work force housing project along Harding Avenue. Mr. White asked that all public domain documents related to this project be made public. He questioned the scope of the environmental project planning and if the proper documents have been submitted to the US Department of Housing and Urban Development (HUD). He stated the more he reviews this project, the more concerned he gets with it.

Mr. White also submitted the following letter for the record on behalf of Mahendra P. Singh:

"July 15, 2008

Chair,
Planning Commission
Montgomery County, Virginia

Sub: Rezoning and Development of Land on Harding Avenue next to Windsor Hill Apartments

Dear Sir/Mme,

I am a registered professional engineer (Illinois, License No. 62-34211, 1975) and have all three degrees (Ph.D., M.E., and B.E.) in civil engineering. I have also been teaching at Virginia Tech for about 31 years. I am writing this to express my strong opposition to allow rezoning of the

land on Harding Avenue next to Windsor Hill Apartments to high density population development for the following reasons:

1. This will increase traffic on Harding Avenue and surrounding roads in the county, as well as in Blacksburg, significantly for which the available roads and streets are likely to be quite inadequate. The traffic survey that was done to show that the traffic on the road was quite low is, in fact, quite misleading. The traffic survey was done at a time when the traffic on the roads in Blacksburg and surrounding areas is seasonally low. It appears that the time to collect traffic flow data was deliberately chosen to show that traffic is low to justify the proposed rezoning and high population density development. If the data were collected at other times the conclusion would have been different.
2. We strongly believe that Blacksburg can not accommodate any further growth, especially the construction of a large high density living complex. Blacksburg and Montgomery County do not have adequate civil infrastructure system to accommodate such growth.
3. The most important, however, is the fact that such a development will greatly increase the chances of contaminating our invaluable aquifers on which the people in Montgomery County depend entirely for their water supply needs. A report prepared in January 1998 by Dr. Ernst Kasting, Certified Profession Hydrogeologist and Associate Professor at Radford University, and several other letters written to authority complaining about the breakage of severs, etc., clearly indicates such a possibility. I do not live very close to this property, but the aquifer from which I draw water is connected to this site through innumerable underground conduits and sink holes. I am therefore highly concerned about the possibility of contamination of my and my neighborhood underground water supply.

Based on these facts, I request that such a high population density development be not allowed to occur on this property.

Sincerely,

Mahendra P. Singh
795 Deercroft Drive
Blacksburg, Va 24060"

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated July 28, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
William H. Brown	
Doug Marrs	
Gary D. Creed	
Annette S. Perkins	

A-FY-09-10 RE-APPROPRIATION OF GRANT FUNDING FROM FY 08 TO FY 09

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

111	EMS Grants	\$ 281,993
201	Commonwealth Attorney-Domestic Violence	\$ 23,696
321	Offender Financed Drug Program	\$ 28,744
	DARE Program	\$ 1,519
	Project Lifesaver	\$ 9,313
521	Bullying Prevention	\$ 4,053
710	Library ADP Grant	\$ 18,200
911	Mental Health Association	<u>\$ 397,601</u>
	Total	\$ 765,119

Sources of funds for the foregoing appropriation are as follows:

<u>Revenue:</u>	
02201-424401 Domestic Violence	\$23,696
25219-424401 Bullying Prevention	\$4,053
09111-434401 Mental Health Grant	\$397,601
02-451205 Designated Fund Balance	<u>\$339,769</u>
Total	\$765,119

Said resolution appropriates those grants for which balances are known. Reappropriated balances are needed to cover the payment of invoices received and the refund of unexpended monies.

**A-FY-09-11
FLOYD LIBRARY
FY 09 BUDGET APPROPRIATION**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

720	Floyd Library	\$209,547
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The sources of funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
416156	Floyd County Reimbursement	\$149,827
416157	Town of Floyd Contribution	\$ 3,000
416151	Fines and Fees	\$ 16,399
424409	State Library Grant	<u>\$ 40,321</u>
	Total	\$209,547

Said resolution provides the appropriation for the operation of the Floyd Library with Floyd residents and the state providing the funding.

**A-FY-09-12
TREASURER
DMV STOP FEES AND
WARRANT IN DEBT FEES**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

162	Treasurer	\$6,912
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The sources of funds for the foregoing appropriation are as follows:

Revenue Account:

451205	Designated Fund Balance	
	DMV Stop Fees	\$6,884
02 416010	Warrant in Debt Fees	<u>28</u>
		\$6,912

Said resolution appropriates DMV Stop Fees and Warrant in Debt Fees collected to pay the associated fee to the DMV and Commonwealth of Virginia.

A-FY-09-13
BOARD OF SUPERVISORS
RE-APPROPRIATION OF PROJECT FUNDS

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

100 Board of Supervisors	\$271,027
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The source of the funds for the foregoing appropriation is as follows

Revenue Account

02- 451203	Undesignated Fund Balance	\$271,027
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Said resolution re-appropriates funds remaining from FY 08 for use in FY 09 to continue projects including: Gypsy Moth Program, Inmate Litter Clean-up, Old BMS Design Competition, and VDOT Revenue Sharing.

A-FY-09-14
BULLYING PREVENTION GRANT

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

521 Bullying Prevention Grant	\$64,060
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

25219-424401	Bullying Prevention Grant	\$64,060
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Said resolution appropriates the Bullying Prevention Grant funds.

R-FY-09-08
SCHEDULE PUBLIC HEARING
COLD MOUNTAIN SUBDIVISION, PHASE II
VACATION AND RELOCATION OF
UTILITY EASEMENT AND LOT LINES

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby schedules a public hearing on August 25, 2008 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the following ordinance:

An ordinance to vacate and relocate a portion of an existing utility easement and a portion of the lot line for Lot 3 and Lot 7 ,Tax Parcels 89-(A)-12A & 12C in Cold Mountain Subdivision, Phase II, Cold Mountain Road, Riner Magisterial District, Montgomery County, Virginia”.

R-FY-09-09
ADDITION TO THE SECONDARY SYSTEM
OF STATE HIGHWAYS
SALISBURY LANE (SR 1092)

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, The street described below is shown on a plat in the Clerk’s Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that the street meets the requirements established by the Virginia Department of Transportation’s Subdivision Street Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Department’s Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer:

ADDITION:

Hillcrest Subdivision Phase I

<u>Name of Street:</u>	<u>Length</u>
Salisbury Lane (SR 1092)	
From: .17 miles from Fieldcrest Dr (SR 1091)	0. 46 mi
To: 63 miles from Fieldcrest Dr (SR 1091)	
Plat Recorded: April 11, 2000	
Plat Book: 20, Pages 67	
Right of Way Width: 50 feet	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

R-FY-09-10
MONTGOMERY REGIONAL ECONOMIC
DEVELOPMENT COMMISSION
-TOWN OF BLACKSBURG REPRESENTATIVE

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **A. T. Leighton, Jr.** as Town of Blacksburg representative to the Montgomery Regional Economic Development Commission effective July 29, 2008 and expiring January 23, 2009.

Said appointment fills the unexpired term of Don Langrehr, resigned.

R-FY-09-11
LOCAL EMERGENCY PLANNING
COMMITTEE (LEPC)

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends that the Virginia Emergency Response Council appoint the following individual to the Joint Blacksburg/Montgomery County Local Emergency Planning Committee (LEPC):

Derek Myers
Blacksburg Town Council
312 Cherokee Drive
Blacksburg, VA 24060

Said appointment fills the vacancy left by Don Langrehr, resigned.

OLD BUSINESS

**ORD-FY-09-03
AN ORDINANCE VACATING A PORTION OF PEBBLE BEACH DRIVE
LOCATED IN SECTION II OF THE
BLACKSBURG COUNTRY CLUB ESTATES
SUBDIVISION RECORDED IN PLAT BOOK 16 AT PAGE 1
IN THE MONTGOMERY COUNTY
CIRCUIT COURT CLERK'S OFFICE**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Ellett Valley Development Company, L.L.C. and William B. Matthews have requested that the Montgomery County Board of Supervisors vacate a portion of the unimproved portion of the right of way identified as Pebble Beach Drive that adjoins Lots 405 and Lot A Tax Parcel 55-(10)-A in Section II of the Blacksburg Country Club Estates Subdivision that is recorded in Plat Book 16 at page 1 in the Montgomery County Circuit Court Clerk's Office, and add a new portion of Pebble Beach Drive to Lot 405 and Lot 406 as shown on the Plat entitled "Plat Showing Boundary Line Adjustment Over Tax Parcel No.s 55-(10)-A, 401, 405 & 406 Prepared For Ellett Valley Development Company, L.L.C., Mt. Tabor Magisterial District, Montgomery County, Virginia" (the "Plat"); and

WHEREAS, Section 15.2-2272 of the Code of Virginia, as amended, provides that the Board of Supervisors may vacate a portion of Pebble Beach Drive located in Section II of Blacksburg Country Club Estates by Ordinance; and

WHEREAS, The Board of Supervisors supports vacating a portion of Pebble Beach Drive subject to the new cul-de-sac for Pebble Beach Drive being dedicated by Ellett Valley Development Company, L.L.C. and William B. Matthews on a portion of Lot 405 and 406 as shown on the Plat; and

WHEREAS, A duly advertised public hearing on this Ordinance was held by the Board of Supervisors on July 14, 2008.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, that in accordance with Section 15.2-2272 of the Code of Virginia, as amended, the Board of Supervisors hereby authorizes the vacation of a portion of Pebble Beach Drive adjoining Lot 406 and Lot A located in Section II of the Blacksburg Country Club Estates Subdivision recorded in Plat Book 16 at page 1 in the Montgomery County Circuit Court Clerk's office with the vacated right of way being conveyed to each of the adjoining owners of Lot 406 and Lot A Tax Parcel 55-(10)-A respectively as shown on the Plat to be recorded entitled "Plat Showing Boundary Line Adjustment Over Tax Parcel No.'s 55-(10)-A, 401, 405 & 406 Prepared For Ellett Valley Development Company, L.L.C., Mt. Tabor Magisterial District Montgomery County, Virginia".

R-FY-09-12
REMOVE FROM THE TABLE
REESE FAMILY PARTNERSHIP
REZONING REQUEST

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Reese Family Partnership (Agent: Lynn Reese) rezoning request of approximately 227.65 acres located on the west side of Bradshaw Road (SR 629), north of New Ridge Road (SR 1052) and identified as Tax Parcel Nos. 45-A-80 (Acct # 025398), 45-3-5A (Acct # 034187) and 32-A-55 (Acct # 001477) in the Mount Tabor Magisterial District from Agriculture (A-1) to Rural Residential (R-R) is hereby removed from the table.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
James D. Politis	
Annette S. Perkins	

ORD-FY-09-04
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION
OF APPROXIMATELY 227.65 ACRES
IN THE MOUNT TABOR MAGISTERIAL DISTRICT
LOCATED ON THE WEST SIDE OF BRADSHAW ROAD (SR 629),
NORTH OF NEW RIDGE ROAD (SR 1052) IDENTIFIED
AS TAX MAP PARCEL NOS. 45-A-80 (ACCT # 025398),
45-3-5A (ACCT # 034187) AND 32-A-55 (ACCT # 001477)
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)
REESE FAMILY LIMITED PARTNERSHIP

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirements for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tract or parcel of land consisting of 227.65 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) with the following proffered conditions:

1. The total number of dwelling units shall not exceed 67, with a minimum lot size of 1.5 acres.
2. A network of walking trails will be developed on the property. The exact layout of the trails will be finalized with Montgomery County input as the lot layout is finalized. The trails will be constructed concurrent with the phases of the development and will be completed before building permits are issued on ½ of the lots in applicable phase. Trail surfaces will be 4' wide mulch, constructed by the developer, and maintained by the Homeowners Association.
3. No clearing will be allowed except for a 75' zone around the house, and as required to install drainfields.
4. Homeowners shall be responsible for maintenance of alternative septic systems.

This action was commenced upon the application of Reese Family Partnership (Agent: Lynn Reese).

The property is located on the west side of Bradshaw Road (SR 629), north of New Ridge Road (SR 1052) and is identified as Tax Parcel Nos. 45-A-80 (Acct # 025398), 45-3-5A (Acct # 034187) and 32-A-55 (Acct # 001477) in the Mount Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
John A. Muffo	
Doug Marrs	
James D. Politis	
Mary W. Biggs	
Gary D. Creed	
Annette S. Perkins	

NEW BUSINESS

R-FY-09-13 FY 2008-2009 CLASSIFICATION AND PAY PLAN

On a motion by John A. Muffo, seconded by James D. Politis and carried,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes the FY 2008-09 Classification and Pay Plan

The vote on the foregoing was as follows:

AYE

John A. Muffo

Doug Marrs

James D. Politis

Mary W. Biggs

William H. Brown

Annette S. Perkins

NAY

Gary D. Creed

Supervisor Creed noted that he voted no due to the fact that he does not believe in percentage raises and this plan includes percentage raises.

R-FY-09-14 FY 2008-09 REVENUE SHARING FUNDS

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors desires to submit an application for an allocation of funds of up to \$500,000 through the Virginia Department of Transportation Fiscal Year 2008-09 Revenue Sharing Program; and

WHEREAS, \$500,000 of these funds are requested to fund:

-Alleghany Springs Bridge (SR 637) at Willis Hollow Road	\$355,000
-Craig Creek Road (SR 621) additional 1.0 mile safety improvement spot widening	\$200,000
-Stanley Road (SR 667) spot widening and surface treating existing roadway	\$275,000
-Woodrow Road (SR 644) surface treating existing roadway	\$ 25,000
-Yellow Sulphur Road (SR 643) spot improvements	<u>\$150,000</u>
Total:	\$1,005,000

NOW, THEREFORE, BE IT RESOLVED, The Montgomery County Board of Supervisors hereby supports this application for an allocation of \$500,000 through the Virginia Department of Transportation Revenue Sharing Program.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs

William H. Brown

Mary W. Biggs

Gary D. Creed

James D. Politis

John A. Muffo

Annette S. Perkins

NAY

None

R-FY-09-15
MONTGOMERY-FLOYD REGIONAL
LIBRARY-AMEND BYLAWS AND EXPIRATION TERMS
OF LIBRARY BOARD MEMBERS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Montgomery-Floyd Regional Library Board was established pursuant to Title 42.1, Chapter 2, Sec. 42.1-33 through 42.1-42 and the contract between Montgomery and Floyd Counties dated August 11, 1975; and

WHEREAS, The Montgomery-Floyd Regional Library Board consists of nine members – seven from Montgomery County and two from Floyd County, with each member appointed for a term of four years; and

WHEREAS, The Montgomery-Floyd Regional Library Board amended their bylaws on May 21, 2008 to specify that all terms will expire on June 30; and

WHEREAS, By resolution dated August 14, 2006 the Board of Supervisors appointed Karen N. Frederick to the Montgomery-Floyd Regional Library Board effective August 15, 2006 and expiring August 14, 2010; and

WHEREAS, By resolution dated July 25, 2005 the Board of Supervisors reappointed David L. Collins to the Montgomery-Floyd Regional Library Board effective July 26, 2005 and expiring July 25, 2009; and

WHEREAS, The Montgomery-Floyd Regional Library Board has requested, and Library Board members Karen Frederick and David Collins fully support, amending their term expirations to expire on June 30th in order that all terms expire on June 30th as now stated in the new Library Board bylaws.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby concurs with the above listed revisions to the bylaws of the Montgomery-Floyd Regional Library Board.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby amends the term of Karen N. Frederick's appointment to the Montgomery-Floyd Regional Library Board to now expire on June 30, 2010; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby amends the term of David L. Collins' appointment to the Montgomery-Floyd Regional Library Board to now expire on June 30, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Annette S. Perkins	

**R-FY-09-16
LIVESTOCK CLAIM
JAMES DUNCAN**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that James Duncan is hereby compensated \$400.00 for the loss of one pregnant female goat on July 3, 2008 and compensated \$400.00 for the loss of one male goat (ram) on July 14, 2008 for at total of \$800.00.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
William H. Brown	
Annette S. Perkins	

R-FY-09-17
PUBLIC SAFETY EMPLOYER-EMPLOYEE
COOPERATION ACT OF 2007 (COLLECTIVE BARGAINING)

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

WHEREAS, The U.S. House of Representatives has passed, and the U.S. Senate has introduced the Public Safety Employer-Employee Cooperation Act of 2007, legislation mandating that state and local governments enter into collective bargaining agreements with their public safety employees; and

WHEREAS, This legislation provides minimum collective bargaining standards for state and local police, firefighters and emergency medical technicians; and

WHEREAS, The Federal Labor Relations Authority would develop the regulations requiring state and local governments to allow public safety employees to form and join unions and bargain over salaries, terms and conditions of employment; and

WHEREAS, All states would be subject to regulation of collective bargaining agreements by the FLRA if they fail to meet the federal standards; and

WHEREAS, This legislation would force state and localities to adopt federal collective bargaining standards, disregard existing state laws and ordinances that were developed to create an effective and efficient public sector workforce, and place the needs of a select group of workers – public safety officers – in front of the larger needs of the community or other public sector employees; and

WHEREAS, The Public Safety Employer-Employee Cooperation Act of 2007 would severely damage the historic relationships that exist between state and local elected officials, their employees, and the constituents they represent; and

WHEREAS, State and local officials provide workers with excellent salaries, benefits and working conditions that are responsive to the fiscal needs and limitations of state and local governments and reflect the priorities of the communities that elected officials represent; and

WHEREAS, This legislation would undermine state and local autonomy with respect to making fundamental employment decisions by mandating specific working conditions, including collective bargaining; and

WHEREAS, This legislation could have serious fiscal and administrative implications for counties because no funding for state or local implementation is provided.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby opposes the Public Safety Employer-Employee Cooperation Act of 2007 and maintains that such decisions should be made by states and localities based upon local conditions and circumstances, without federal interference.

BE IT FURTHER RESOLVED, The Board of Supervisors respectfully request Senator John Warner and Senator Jim Webb to oppose passage of the Public Safety Employer-Employee Act of 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Gary D. Creed	
John A. Muffo	
Doug Marrs	
William H. Brown	
James D. Politis	
Annette S. Perkins	

COUNTY ADMINISTRATOR'S REPORT

Motor Mile Sports Complex Dedication will be held Wednesday, July 30, 2008 at 8:30 a.m.

Poor Mountain Fire Assessment – An update was provided on the self assessment on the Poor Mountain Fire. The Emergency Services Coordinator and the Fire Chief of Elliston Fire Department met to review the performance by Montgomery County fire and emergency personnel. The issue of concern by Board members was the failure to secure a helicopter on the first day of the fire to help with air control. It was agreed upon that for all future occurrences that the Virginia Department of Emergency Management will be called as soon as possible to help secure a helicopter. This issue will also be discussed at the next Fire and Rescue Commission meeting.

BOARD MEMBERS' REPORT

Supervisor Biggs reported she was unable to attend the last Library Board meeting. The School Board held their retreat on July 11-12 at the Hotel Roanoke.

Alderman Special Use Permit – Supervisor Biggs asked for clarification on the tree issue for the Alderman Special Use Permit request. Supervisor Creed replied that trees are to be planted if feasible. Chair Perkins explained that the Planning staff is to work with Mr. Alderman to see if a row of trees could be planted to create a buffer.

Supervisor Muffo reported that the Department of Social Services and the New River Valley Community Services Board are working together to develop an intervention and educational program on child neglect and abuse.

Supervisor Brown expressed his appreciation to the Virginia Department of Transportation contractor for getting the weeds and brush cut in his district.

Supervisor Perkins commented on Supervisor Muffo's report. She also will be meeting with the Department of Social Services and the Community Services Board on the development of an program on child neglect and abuse.

2008 Bond Issuance – Supervisor Perkins reported that she, along with staff members, went to New York and met with bond and financing companies regarding Montgomery County's bond issuance in order to get the best rating possible before the bonds are put up for sale.

ADJOURNMENT

The Board adjourned to Monday, August 11, 2008.

The meeting adjourned at 8:45 p.m.

APPROVED: _____	ATTESTED: _____
Annette S. Perkins	B. Clayton Goodman, III
Chair	County Administrator